

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ROBERT WORKMAN)
Plaintiff)
Plaintiff,)
v.)
SUPT. LOUIS FOLINO, et al) Civil Action No. 05-1245
Defendants.)

Report and Recommendation

I. Recommendation:

It is respectfully recommended that leave to proceed in forma pauperis be denied and the complaint be dismissed without prejudice to the plaintiff's right to reopen it by paying the filing fee within twenty (20) days.

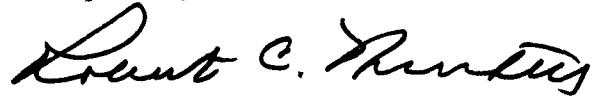
II. Report:

The plaintiff in the above captioned civil rights case has presented a petition for leave to proceed in forma pauperis. By the attached Order entered pursuant to P.L. 104-134 the plaintiff has been directed to submit a partial filing fee and/or authorization before forma pauperis status can be granted. The time in which to submit the filing fee and/or authorization has elapsed, and the plaintiff has failed to submit the required items. Accordingly, it is recommended that leave to proceed in forma pauperis be denied and the complaint be dismissed without prejudice to the plaintiff's right to reopen it by paying the filing fee within twenty (20) days.

Within ten (10) days after being served with a copy , any party may serve and file written objections to the Report and Recommendation. Any party opposing the objections shall have seven (7) days from the date of service of objections to respond thereto. Failure to file timely objections

may constitute a waiver of any appellate rights.

Respectfully submitted,



Robert C. Mitchell,
United States Magistrate Judge

Dated: December 5, 2005